

**Nicholas J. Henderson, OSB#074027**

nhenderson@portlaw.com

Motschenbacher & Blattner, LLP

117 SW Taylor St., Suite 200

Portland, OR 97204

Telephone: (503) 417-0508

Facsimile: (503) 417-0528

UNITED STATES BANKRUPTCY COURT

DISTRICT OF OREGON

In re:	Case No. 13-32146-rld13
MARK ALAN DENNEY, AND DEBORAH CANDACE URBAN DENNEY,  Debtors.	STIPULATED MOTION TO SEVER CHAPTER 13 CASE

Debtor Mark Alan Denney (the “Debtor”), by and through his attorneys, Nicholas J. Henderson and Motschenbacher & Blattner, LLP, hereby moves the Court for an order severing the above-captioned Chapter 13 bankruptcy case into two separate Chapter 13 cases. In support of the Motion, the Debtor asserts the following:

- 1) The above-captioned case was filed on April 10, 2013.
- 2) At the time the case was initially filed, the Debtors maintained separate households, but there was a possibility that the Debtors would resume living together and consolidate their finances. As a result, the Debtors proposed a joint plan, which was confirmed on August 2, 2013.
- 3) Since the plan was confirmed, the Debtors have commenced divorce proceedings, and do not intend to reconcile or consolidate their finances.
- 4) The Debtors’ respective living conditions have changed since the initial schedules were filed, and each of the Debtors need to amend their schedules to describe their new circumstances.

5) Because the Debtors' individual budgets will be used to pay their own respective debts, it would be more efficient for the Debtors to propose their own Chapter 13 plans.

6) The Debtors intend to address their joint tax debt in each of their plans, using plan language provided by the Chapter 13 Trustee.

7) Debtor Deborah Denney wishes to retain the existing case number following severance of the case. Debtor Mark Denney has no objection to Deborah retaining the current case number set forth in the caption above.

WHEREFORE, the Debtor respectfully prays for an Order:

- 1) Severing the above captioned case into two separate Chapter 13 cases; and
- 2) Allowing Deborah Denney to retain the case number listed in the above caption;

DATED this 30<sup>th</sup> day of December, 2014.

MOTSCHENBACHER & BLATTNER LLP

/s/ Nicholas J. Henderson  
Nicholas J. Henderson, OSB #074027  
Motschenbacher & Blattner LLP  
117 SW Taylor St., Ste 200  
Portland, OR 97204  
Attorney for Mark Alan Denney

Stipulated to by:

/s/ Christopher N. Coyle  
Christopher N. Coyle, OSB#073501  
Vanden Bos & Chapman LLP  
319 SW Washington St Ste 520  
Portland OR 97204  
Attorneys for Deborah Candace Urban Denney

### **CERTIFICATE OF SERVICE**

I, Nicholas J. Henderson, hereby certify that on December 30, 2014, I served, by first class mail, a full and true copy of the foregoing Motion on the following by causing a copy thereof to be placed in a sealed envelope, postage prepaid, addressed as shown below, in the U.S.

Mail at Portland, Oregon:

ODR Bkey  
955 Center St NE  
Salem, OR 97301-2555

Additionally, I certify that on December 30, 2014, a full and true copy of the foregoing Motion was serviced on the following recipients electronically via ECF:

- ANN K CHAPMAN vbcserviceannchapman@yahoo.com, jennifer@vbcattorneys.com
- Wayne Godare c0urtmai1@portland13.com, c0urtmai1@portland13ct.com
- NICHOLAS J HENDERSON nhenderson@portlaw.com,  
csturgeson@portlaw.com;tsexton@portlaw.com;atrauman@portlaw.com
- US Trustee, Portland USTPRegion18.PL.ECF@usdoj.gov

MOTSCHENBACHER & BLATTNER, LLP

/s/ Nicholas J. Henderson  
Nicholas J. Henderson, OSB #074027  
Attorney for Mark Alan Denney